



State of Tennessee
Department of Environment and Conservation
Division of Water Pollution Control

Class II Concentrated Animal Feeding Operation General Permit

Permit Number: TNA000000

I. REGULATORY AUTHORITY FOR THIS GENERAL PERMIT

This general permit is implemented under the authority of the Tennessee Water Quality Control Act of 1977, Chapter 1200-4-10 of the Rules of the Tennessee Department of Environment and Conservation (TDEC), and the National Pollutant Discharge Elimination System (NPDES) program delegation from the United States Environmental Protection Agency (USEPA).

II. DEFINITIONS

- A.** An "Animal Feeding Operation" (AFO) is a facility that stables or confines, and feeds or maintains animals for a total of 45 days or more in any 12-month period and does not sustain crops, vegetation forage growth, or post-harvest residues in the normal growing season over any portion of the facility.
- B.** A "Concentrated Animal Feeding Operation" (CAFO) is an animal feeding operation which meets the criteria in Section VI.B.1 or 2 of this general permit, or which the Division designates under Section VI.B.3 or 4 of this general permit.
- C.** A "Catastrophic Event" is a rainfall event equal to or greater than the 24-hour, 25-year storm, or the occurrence of a tornado or other severe event as determined by the Division which would cause an overflow from the waste retention structure.
- D.** A "Chronic Event" is a series of wet weather conditions that preclude de-watering of waste retention structures that are maintained in accordance with the waste handling system plan.
- E.** "Division" is the Division of Water Pollution Control.
- F.** "Existing Operation" means a facility that began feeding animals on or before May 1, 1999.
- G.** "Expanded Operation" means a facility that will increase the number of animals being fed above the design basis previously approved by TDA.
- H.** "Mature Dairy Animal" means a dairy cow that has reached the level of maturity to be milked on a daily basis. For CAFO counting purposes, this term applies only to animals that are being actively milked, and are regularly confined in a central area where wastes are concentrated. This definition shall not apply to heifers and dairy cows that are not being milked on a daily basis and are being kept on pasture.
- I.** "New Operation" means a facility that began feeding animals after May 1, 1999.
- J.** "NRCS" is the United States Department of Agriculture, Natural Resources Conservation Service.

- K. "Sinkhole" means a depression in a karst area, commonly with a circular pattern. Its drainage is subterranean, its size is measured in meters and tens of meters, and is commonly funnel shaped. This definition is contained in the Fourth Edition of the Glossary of Geology.
- L. "TDA" is the Tennessee Department of Agriculture.
- M. "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

III. DISCHARGE PROHIBITED

Any discharge of wastewater from a CAFO is prohibited, unless such discharge results from a catastrophic or chronic storm event.

IV. STEPS FOR OBTAINING COVERAGE UNDER THIS GENERAL PERMIT

This general permit for concentrated animal feeding operations (CAFOs) is issued by the Division of Water Pollution Control (Division). Review and approval of all nutrient management plans and waste handling system plans required under this general permit will be performed by the Tennessee Department of Agriculture (TDA).

- A. **New Operations.** CAFOs that begin feeding animals after May 1, 1999, which meet the provisions of Section VI.B.1 or VI.B.2 of this general permit, or AFOs that are designated as CAFOs by the Division per VI.B.3 or VI.B.4 of this general permit, must do the following:
 - 1. Complete a Notice of Intent (NOI) form, which can be obtained from any of TDEC's Environmental Assistance Centers (1-888-891-TDEC), Agricultural Extension Service Offices, or from TDA. Attached to this form shall be:
 - a. One copy of a nutrient management plan for the CAFO that meets the requirements of Section VIII.B of this general permit;
 - b. If liquid manure will be managed, the NOI must also have attached one copy of a waste handling system plan for the CAFO that meets the requirements of Section VIII.C of this general permit.
 - 2. Submit the NOI and the required attachments to TDA per Section VII.C of this general permit for review. Upon approval, TDA will forward the completed NOI to the Division. TDA will also return copies of the approved documents to both the preparer and the operator. Upon receipt of the NOI, the Division will send a letter of coverage to the operator of the CAFO.
 - 3. In all cases, new CAFOs shall meet the provisions of this general permit on or before the date they begin feeding animals.

B. Existing Operations. CAFOs that began feeding animals on or before May 1, 1999, which meet the provisions of Section VI.B.1 or VI.B.2 of this general permit, or AFOs that are designated as CAFOs by the Division per VI.B.3 or VI.B.4 of this general permit, must do the following:

1. Complete a NOI form, which can be obtained from any of TDEC's Environmental Assistance Centers (1-888-891-TDEC), Agricultural Extension Service Office, or from TDA.
2. Submit the NOI to TDA. TDA will forward the completed NOI to the Division. The Division will issue a letter of coverage to the existing CAFO, which will include a schedule of compliance. This schedule of compliance will contain the following requirements:
 - a. On or before May 1, 2001, the operator shall submit to TDA one copy of a nutrient management plan, consistent with Section VIII.B of this general permit; and
 - b. On or before May 1, 2001, the operator of a liquid waste handling system shall:
 - i. either submit one set of design drawings for any necessary modifications to the system;
 - ii. or submit a report to TDA, which documents a history of system performance and demonstrates compliance with the provisions of this general permit. The operator should consult with TDA to obtain a copy of the report format.
 - c. If construction is necessary to meet the provisions of this general permit, the operator shall complete the work within 1 year of the plans approval date by TDA.
3. In all cases, existing CAFOs shall meet the provisions of this general permit no later than May 1, 2001, except for completion of construction per IV.B.2.c above.

C. Expanding Operations

1. CAFOs that are already covered under this general permit, that intend to increase the numbers of animals to a level above the design basis previously approved by TDA, must have an approved updated system design before the CAFO begins feeding the additional animals.
2. Existing operations that desire to expand prior to receiving approval from TDA for their current operations, shall have an approved system to accommodate the increased number of animals by May 1, 2001. Facilities that choose to expand operations after May 1, 2001, shall be given one year to have an approved system to accommodate the increased number of animals.

V. TERM OF GENERAL PERMIT AND AUTHORIZATION

This general permit shall be effective from May 1, 1999, until April 30, 2004. Any persons who have submitted a Notice of Intent (NOI) and have not been told to apply for an individual permit will be mailed a letter of coverage per Section IV of this general permit and will be authorized to operate a Class II CAFO in accordance with all conditions of this general permit, their nutrient management plan and their waste handling system plan.

VI. COVERAGE UNDER THIS GENERAL PERMIT

A. General Permit Area. For existing facilities, the general permit is issued for all areas of Tennessee which have been identified as being located in watersheds streams that do not support classified designated usage due to livestock operations.

New facilities that meet the size criteria of Section VI, B,1 or VI, B, 2 and which locate in Tennessee after May 1, 1999, must obtain a Class II CAFO permit, regardless of their location in the state.

B. Applicability.

- 1. Single Species Operations.** The provisions of this general permit apply to existing AFOs that confine the following numbers of livestock, and the operations are located in watersheds of stream segments specifically identified as impacted due to livestock operations that are identified in waters of the State that are not supporting their classified designated usages. The provisions of this general permit also apply to all new AFOs that confine the following numbers of livestock, and that propose to locate in Tennessee after May 1, 1999.

<u>ANIMAL TYPE</u>	<u>LIQUID MANURE MANAGEMENT</u>	<u>DRY MANURE MANAGEMENT</u>
Poultry (broilers and/or laying hens)	9,000 up to 30,000 birds	50,000 or greater(existing operations), 20,000 or greater (new operations)
Swine	751-2500 over 55 pounds each	751 or greater
Dairy (Mature Animals)	201-700	201 or greater
Slaughter and Feeder Cattle	301-1000	301 or greater
For all other commercial species, the number of animals contained in 40 CFR Part 122, Appendix B, shall apply		

- 2. Combined Species Operations.** This general permit also applies to combined operations having 301 to 1,000 animal units based on the following categories; and the operations are located in watersheds of stream segments that specifically do not support their classified designated usage due to livestock operations in the State of Tennessee.

Dairy Cattle:	1.4 animal units per head
Slaughter and Feeder cattle:	1.0 animal unit per head
Swine:	0.4 animal units per head

3. **Case-by-Case Designation of CAFOs.** The Division may designate any AFO with fewer animals as a Class II CAFO upon determining that it is a contributor of pollution to the waters of the State.
- a. In making this designation the Division shall consider the following factors:
 - i. The size of the AFO and the amount of waste reaching waters of the State;
 - ii. The location of the AFO relative to waters of the State;
 - iii. The means of conveyance of animal wastes and process waste waters into waters of the State;
 - iv. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal waste and process waste waters into waters of the State.
 - b. No AFO with less than the numbers of animals set forth in Section VI.B.1 of this general permit shall be designated by the Division as a CAFO unless:
 - i. Pollutants are discharged into waters of the State through a man-made ditch, flushing system, or other similar man-made device; or
 - ii. Pollutants are discharged directly into waters of the State which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.
 - c. Coverage under this general permit shall not be required from an AFO designated under this section until the Division has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under this general permit.
4. **Operator-Requested Designation.** Upon the request of the operator, the Division may designate any AFO with fewer animals than listed in VI.B.1 or VI.B.2 as a Class II CAFO to be covered under this general permit. All terms and provisions of this general permit will be applicable. Such operator may also request to have the designation terminated, and this request will be granted unless the conditions for case-by-case designation are found.
5. **Limitations on Coverage.** The following activities are not authorized by this general permit.

CAFOs for poultry, ducks, turkeys, swine, dairy, slaughter and feeder cattle, sheep or lambs, or horses which confine numbers of animals in excess of those listed in Section VI.B.1 or VI.B.2 of this general permit. These CAFOs are considered Class I and will be covered under individual NPDES permits.

VII. NOTIFICATION REQUIREMENTS

A. Deadlines for Notification

1. **Existing Operations.** Any CAFO that desires coverage under this general permit shall submit an NOI to TDA by August 1, 1999.
2. **New Operations.** Any new CAFO that begins feeding animals after May 1, 1999, shall obtain coverage under this general permit, and shall submit an NOI at least 30 days prior to feeding animals at the facility.
3. **Ownership Change:** Whenever the person, firm, organization, or other entity that operates the CAFO covered under this general permit changes, notification of change of ownership shall be submitted to the Division.

B. Contents of Notice of Intent

1. **Facility Operator.** The name of the person, firm, organization, or other entity which operates the subject facility, the mailing address where correspondence should be sent and the name and phone number of a contact person.
2. **Facility Identification.** The legal and official name of the operation, and the address or location of the operation as well as the name and phone number of a contact person.
3. **Nearby Waters and Site Location Information.** A USGS topographic map, a county tax map or a soil map showing the acreage of the operation, and the name of the water body nearest the operation.
4. **Certification and Signature.** The certification statement shall be signed in accordance with Section VIII.A of this general permit.

C. Where to Submit

NOIs are to be submitted, along with all required attachments, to the Tennessee Department of Agriculture at the following address:

CAFO Notice of Intent
Tennessee Department of Agriculture
Ellington Agricultural Center
Nashville, TN 37204

VIII. GENERAL CONDITIONS

A. Signatory Requirements. All NOIs, requests for termination of general permit coverage, or other information submitted to the Division or to TDA shall be made in writing .

1. **Signature.** All information required or requested to be submitted by the Division or TDA shall be signed as follows:

- a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer is the president, secretary, treasurer or vice-president of the corporation, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor; or
 - c. A duly authorized representative. For the purpose of this section, a duly authorized representative is the person identified in writing to the Division or TDA who has been given the authority to sign for the person described in VIII.A.1.(a) or (b) above.
2. Certification. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the site, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. Nutrient Management Plan (NMP). For any new CAFO, the applicant shall obtain approval from TDA for the nutrient management plan per Section IV.A of this general permit. For an existing CAFO, the applicant shall obtain approval from TDA for the nutrient management plan per Section IV.B of this general permit. The NMP is to be generally consistent with the current NRCS *Field Office Technical Guide* and the NRCS *Agriculture Waste Management Field Handbook* or other NMP approved by TDA. The NMP shall contain the following:

1. Aerial site photographs or maps and soil maps showing the location of animal waste application fields and the location of all nearby streams, lakes, wetlands and known sinkholes;
2. Current and planned plant production sequence and rotation;
3. Identification of non-application buffer strips around the application site(s) that are sufficient to protect water quality;
4. Soil test results for phosphorus and potassium for application sites;
5. Nitrogen budget for application fields which accounts for all applied sources and realistic yield expectations;
6. Proposed application method and schedule; and
7. Dead animal disposal method.

Land application of animal waste shall be in accordance with the approved NMP, the Clean Water Act, and its implementing regulations. An operator desiring to make changes to their NMP shall notify and receive approval from TDA.

C. Liquid Waste Handling System. Liquid animal waste treatment and/or storage systems, or expansions to existing liquid waste handling facilities, shall be designed by a registered Professional Engineer, licensed to practice in Tennessee by the State Board of Architectural and Engineering Examiners, or by a person with engineering approval authority from the NRCS. Dry manure management systems that exceed 5 days' unprotected exposure of waste will be considered liquid waste management systems, and may require an individual NPDES permit. The plans for the treatment system shall bear the seal of the Professional Engineer or shall contain the verification of the NRCS approval authority. Liquid waste handling system plans will include the following:

1. A map indicating the location of streams, lakes, known sinkholes and other potentially sensitive areas or resources (e.g. wetlands);
2. A description of the proposed system and all system components and practices. Design and performance of waste handling systems must provide for no discharge, except as may be associated with catastrophic or chronic storm events;
3. For new operations only, setbacks from existing residential structures, streams, lakes and sinkholes that are adequate to protect water quality, public health, well heads and groundwater, consistent with the guidelines found in the NRCS *Field Office Technical Guide*; and
4. For new operations only, a soil and geological suitability report including site evaluation criteria contained in NRCS *Agricultural Waste Management Field Handbook* (AWMFH);
5. Liquid waste handling facilities shall be designed, constructed and operated to contain all process generated waste waters plus the runoff from a 25-year, 24-hour rainfall event.
6. In the event of a discharge from the liquid waste handling facility to waters of the state, during a chronic or catastrophic rainfall event, or in the event of an unpermitted discharge, upset or bypass of the system, a sample of the discharge shall be collected and analyzed for the following parameters: fecal coliform, 5-day biochemical oxygen demand, total suspended solids, total nitrogen, total phosphorus, copper and zinc, or pesticide and other pollutants which the owner/operator has reason to believe could be present in the discharge. Results of analyses shall be mailed to the Division of Water Pollution Control at the appropriate EAC Office address provided in Section I,3.
7. Any such discharge to waters of the state shall not cause or contribute to an exceedance of Tennessee's water quality standards.

- D. Record Keeping.** Records shall be retained by the owner at the facility location for a minimum of two years, and shall contain the following:
1. Soil test results and recommended nutrient application rates;
 2. Quantities and sources of all nutrients applied;
 3. Dates and methods of applications;
 4. Type of crop and dates planted;
 5. Harvest dates and yields including residue removed;
 6. Manure nutrient analysis;
 7. Certificates, licenses and permits, as may be required; and
 8. Quantities of manure transported off-site, including the recipient, date and volume transported and the final destination and end use of material.
 9. Notification of any discharges or overflows to waters of the State;
 10. Records of "freeboard" necessary to contain all process generated waste waters plus the runoff from a 25-year, 24-hour rainfall event.
 11. Results of any sampling or analysis of pollutants discharged to waters of the State.
- E. Dead Animal Disposal.** The CAFO shall provide appropriate disposal of dead animals by composting, rendering, incineration, disposal in a Class I permitted landfill or burial on-site, in accordance with a nutrient management plan as approved by TDA, unless necessitated by emergency.
- F. Inspection.** Any duly authorized officer, employee or representative of TDEC or EPA may, upon presentation of credentials, enter and inspect any property, premises or place on or related to the collection, treatment, storage and land application of wastes, except for production facilities where bio-security is a concern, at any reasonable time for the purpose of determining compliance with this general permit. Staff may inspect and obtain a copy of any records that must be kept under the terms and conditions of this general permit; and may obtain samples of the wastewater, groundwater or surface water.
- G. Closure of Liquid Manure System.** If a liquid manure handling system is to be taken out of operation at a permitted facility, the permittee shall empty the waste storage pond or structure and shall remove any residual waste.
- H. Termination of General Permit.** An operator of a CAFO covered under this general permit shall notify the Division, at the address listed below, when the CAFO is no longer in operation.
- CAFO General Permit Termination
Division of Water Pollution Control
401 Church Street- 6th Floor Annex
Nashville, TN 37243-1534
- I. Emergencies.** Should the facility experience a discharge of animal waste or another emergency that has the potential to impact waters of the state, the permittee should notify the Division as follows:

1. By telephone, immediately upon occurrence, 1-888-891-TDEC, for discharges:
 - a. Resulting from non-precipitation events (e.g. structural failure, equipment breakdown, human error); or
 - b. That threaten to cause a fish kill; or
 - c. That threaten potable water supplies; or
 - d. That otherwise threaten public health.
2. In writing, within 5 days of occurrence, with the following information:
 - a. Cause of the discharge;
 - b. Period of discharge, including exact times and dates;
 - c. An estimation of the discharge volume;
 - d. Location of discharge to waters of the state; and
 - e. Corrective steps taken.
3. The completed report shall be mailed to:

CAFO Discharge Report
Tennessee Division of Water Pollution Control
(to the appropriate Environmental Assistance Center listed below):

EAC counties and addresses are listed from West to East Tennessee.

Fayette, Shelby and Tipton Counties:

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
2510 MT MORIAH ROAD SUITE E-645
MEMPHIS TN 38115-1520

Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly counties:

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
362 CARRIAGE HOUSE DRIVE
JACKSON TN 38305-2222

Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson:

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
537 BRICK CHURCH PARK DRIVE
NASHVILLE TN 37243-1550

Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
2484 PARK PLUS DRIVE
COLUMBIA TN 38401

Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Pickett, Putnam, Overton, Smith, Trousdale, Van Buren, Warren, White

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
1221 SOUTH WILLOW AVE
COOKEVILLE TN 38506

Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
STATE OFFICE BUILDING SUITE 550
540 MCCALLIE AVE
CHATTANOOGA TN 37402

Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
2700 MIDDLEBROOK PIKE SUITE 220
KNOXVILLE TN 37921

Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington Counties

TN DEPT OF ENV AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
2305 SILVERDALE ROAD
JOHNSON CITY TN 37601

- J. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit.
- K. Liability for Damages.** Nothing in this general permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Additionally, notwithstanding this general permit, it shall be the responsibility of the permittee to conduct its operation in a manner such that public or private nuisances or public health hazards will not be created.

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

Coverage under this general permit shall not relieve the permittee of the responsibility for damages to surface waters or ground waters resulting from the operation of this facility in a manner not in accordance with any provision of this general permit.

A permittee who has submitted an NOI and received permit coverage has the duty to comply with all provisions of this Class II General Permit.

- L. Submittal of Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to TDA or the Division, he or she shall promptly submit such facts or information.

CAFO_GP7 C: